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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/523986

Applicant's or agent's file reference PCT 04/03		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IT 03/00457	International filing date (day/month/year) 25.07.2003	Priority date (day/month/year) 09.08.2002	
International Patent Classification (IPC) or both national classification and IPC B31C3/00			
Applicant PERINI, Fabio			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 08.03.2004		Date of completion of this report 18.01.2005	
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Van Nieuwenhuize, O Telephone No. +31 70 340-3435	



**INTERNATIONAL PRELIMINARY
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International application No. **PCT/IT 03/00457**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed
2b received on 22.07.2004 with letter of 12.07.2004

Claims, Numbers

1-4 received on 22.07.2004 with letter of 12.07.2004

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-4
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4
Industrial applicability (IA)	Yes: Claims	1-4
	No: Claims	

2. Citations and explanations
see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.1 Reference is made to the following document:

D1: US-A-3400029

1.2 The application documents as originally filed do not disclose the method step wherein a hot melt gluing is broken by recurring unglued spaces. The characterizing portion of present claim 1 consists therefore of an amendment, which introduces subject-matter beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.

1.3 It is remarked, that the originally filed application documents mention on the description, cf. page 6, a means (3), which may distribute glue continuously or intermittently. In other words this part of the description mentions two possible uses of an apparatus feature.

2. In respect of Article 6 PCT the following is observed.

2.1 The description contains various statements, see for instance page 5, line 29, or page 6, lines 19 and 20 from which it must be concluded, that the character of the features involved is optional rather than essential, thereby causing non-compliance with Article 6 PCT of the claims involved, cf. PCT-Guideline 5.40 in conjunction with PCT-Guidelines 5.15 and 5.33.

2.2 The deficiencies as referred to in points 2.1. and 1.3 of this report further lead to a set of claims, which is not fully supported by the description, contrary to the requirements of Article 6 PCT.

2.3 Although the relative terms "lower surface" and "upper surface" cause as such formally a lack of clarity of the claimed matter, they can remain, since they are not employed for distinguishing over prior art, cf. the Guidelines 5.34.

2.4 The imprecise statement in the description on page 6, lines 26 - 32 does not contribute to the clarity of claims when trying to find the limits of the subject-matter

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for which protection is sought as defined by claims 1 - 4, cf. the PCT-Guidelines, 5.30.

3. The following is stated under reference to paragraphs 1 and 2 of this report, whereby it is to be noted, that those features and deficiencies which cause a non-compliance with Article 6 PCT cannot be used for unambiguously distinguishing the subject-matter of a claim over prior art for the assessment of novelty in the sense of Article 33(2) PCT or inventive step in the sense of Article 33(3) PCT.
- 3.1 Document D1 discloses, cf. claim 6, a method for producing cardboard tubes by winding a plurality of paper-like strips or ribbon-shaped material (31-34) onto a spindle (35), each of said strips or ribbon-shaped material having a lower surface and an upper surface, a part of said strips or ribbon-shaped material (31-34) being glued in correspondence of the lower surface thereof, forming corresponding overlapped and staggered spirals, comprising the step of applying a pre-determined amount of hot melt glue between the surfaces of the penultimate and the last strips or ribbon-shaped material (31-34), in accordance with the preamble of claim 1.

By its wording the subject-matter of claim 1 differs therefrom in that said hot melt gluing is broken by recurring unglued spaces.

Consequently to that what has been pointed out herein above the novelty of the subject-matter of claim 1 can formally not be confirmed and claim 1 does meet the requirements of Article 33(2) PCT.

- 3.2 It is to be remarked, that the examining instance can at present neither identify the presence of an objective underlying problem in the application documents, which could support the presence of an inventive step and justify a fulfilment of the requirements of Article 33(3) PCT.
- 4.1 Due to the deprivation of novelty of independent claim 1 in the sense of Article 33(2) PCT as set out herein above under paragraph 3, it is questionable whether the requisite unity of invention in the sense of Rule 13(1) PCT in respect of the subject-matter of claims 2 - 4, which solely depend on claim 1 formally exists.

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Consequently the examining instance cannot identify in this report, which of the additional features contained by dependent claims 2 - 4, and formally constituting equivalent alternatives or combinations thereof, could in reason support the presence of an inventive step in the sense of Article 33(3) PCT.

In this respect further reference is made to the PCT-Guidelines 13.14(c), wherefrom it can be concluded, that a juxtaposition or an association of known features without a surprising or unexpected effect caused by an interrelationship of such features as such not lead to the conclusion of the presence of an inventive step.

4.2 For the aspects concerning the requirements of Article 33(2) PCT of these additional features in accordance with the present claim structure for as far as being searched, reference is made to the citations in the International Search Report.

5. Claims 1 - 4 meet the requirements of Article 33(4) PCT.

(page 2b)

US 3400029 discloses a method for making spiral wound container bodies by winding a plurality of strips or ribbon-shaped material onto a spindle. A part of said strips or ribbon-shaped material is glued on their underside surface and there are formed corresponding overlapped and staggered spirals. An amount of hot-melt glue is applied between the surfaces of the penultimate and the last strips or ribbon-shaped materials wound on the spindle.

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NEW (AMENDED) CLAIMS

- 1) Method for producing cardboard tubes by winding a plurality of paper or paper-like strips or ribbon-shaped material onto a spindle, each of said strips or ribbon-shaped material having a lower surface and an upper surface, a part of said strips or ribbon-shaped material being glued in correspondence of the lower surface thereof, forming corresponding overlapped and staggered spirals, comprising the step of applying a predetermined amount of hot melt glue between the surfaces of the penultimate and the last strips or ribbon-shaped material, characterized in that said hot melt gluing is broken by recurring unglued spaces.
- 2) Method according to claim 1, said hot melt glue being applied by corresponding glue distribution means (3), characterized in that it comprises the steps of sensing the advancing speed of said strips or ribbon-shaped material wound on said spindle, generating a corresponding speed signal and driving said glue distribution means (3) by said speed signal.
- 3) Method according to claim 1 characterized in that the hot melt glue is distributed on the upper surface of the penultimate strip or ribbon-shaped material.
- 4) Method according to claim 1 characterized in that the hot melt glue is distributed on the lower surface of the last strip or ribbon-shaped material.